

EMANUEL RUBIN, M.D.
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July 3, 2006

Daniel J. Hart
Marshall, Dennehey, Warner, Coleman & Goggin
1845 Walnut Street
Philadelphia, PA 19103-4797

Re: Gorbey, et al. v. Longwill, et al.

Dear Mr. Hart:

I have reviewed the Police Report, records from EMS, fire company, Alfred I. Dupont Institute and Chief Medical Examiner, and the report of Dr. I. C. Hood with respect to the above named case.

Complaint

On 08/30/02 Marissa Fishman was an infant who proceeded unattended to an indoor pool. The infant apparently fell into the pool and drowned.

Talleyville Fire Company EMS Report

A one-year old infant was found at the bottom of a pool. CPR had been begun by laymen.

New Castle County EMS Report

A one-year old female was found face down in the swimming pool by her mother. The patient was pulled from the pool and bystander CPR initiated. An EKG showed asystole, and attempts at resuscitation were unsuccessful.

Records of Alfred E. Dupont Institute

This 18-month old female child was admitted on 08/30/02 asystolic and not breathing. Resuscitation attempts led to the return of the pulse about 35 minutes after cardiac arrest, although mechanical ventilation and the use of dopamine for blood pressure support

remained. The infant developed worsening respiratory acidosis and bilateral effusions. Multiple episodes of bradycardia required initiation of CPR and the administration of a variety of drugs. Disseminated intravascular coagulation was treated with fresh frozen plasma, cryoprecipitate and packed red blood cell transfusions. The patient's condition continued to deteriorate and she died on 08/03/02.

Certificate of Death

The immediate cause of death was listed as drowning.

Report of Dr. Ian Hood (01/24/06)

Dr. Hood is a forensic pathologist who reviews the events surrounding the accident and the infant's subsequent clinical course. He describes asphyxial drowning, "dry" drowning and secondary cardiac dysrhythmia. He notes that infants are more resistant to hypoxia than adults and that "very few victims of drowning seem to have been able to summon assistance." He then discusses pain and distress of a 20-month old infant and states that "there was no reason to indicate that Marissa would not have been as frantic and panic stricken as any conscious individual in the same circumstances." He concludes that the infant probably suffered 1-2 minutes of extreme air hunger and that she experienced pain, suffering, panic and terror.

Comment

In summary this is the case of a 1-1/2 year old infant who fell into a swimming pool and drowned. Dr. Hood is correct in his description of the physiology of drowning, but his comments on the emotional reactions of an infant to drowning are far beyond the training or experience of a pathologist. Having supervised the training of numerous pathologists as chairman of pathology departments at three medical schools, I can state with certainty that there is nothing in the residency training program that permits such speculation. The training of a forensic pathologist after residency does not include courses in psychiatry, neurology or neuroscience. Thus I can state with reasonable medical certainty that considerations of pain, suffering, panic and terror are far beyond the province of a pathologist. Please feel free to call upon me for any further information.

Sincerely,

A handwritten signature in black ink, reading "Emanuel Rubin". The signature is fluid and cursive, with the first name "Emanuel" and last name "Rubin" clearly distinguishable.

Emanuel Rubin, M.D.

CURRICULUM VITAE**EMANUEL RUBIN, M.D.**

Date of Birth: December 5, 1928
New York, NY

EDUCATION

College	Villanova University - B.S.	1950
Medical School	Harvard Medical School - M.D.	1954
Internship	Boston City Hospital, Boston, MA	1954-1955
Residency	Children's Hospital of Philadelphia Philadelphia, PA	1957-1958
Dazian Research Fellow in Pathology	Mount Sinai Hospital New York, NY	1958-1960
Advanced Clinical Fellow, American Cancer Society	Mount Sinai Hospital New York, NY	1960-1962

<u>MILITARY SERVICE</u>	U. S. Navy, Lieutenant	1955-1957
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<u>BOARD CERTIFICATION</u>	Diplomate of American Board of Pathology (Anatomic and Clinical Pathology)	1962
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<u>HOSPITAL APPOINTMENTS</u>	<u>The Mount Sinai Hospital, New York, NY</u>
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Assistant Attending Pathologist	1962-1964
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Associate Attending Pathologist	1964-1968
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Attending Pathologist and Director of Hospital Pathology Service	1968-1972
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Pathologist-in-Chief	1971-1976
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**Hahnemann University Hospital,
Philadelphia, PA.**

Emanuel Rubin, M.D.

	Director of Laboratories	1977-1986
	<u>Thomas Jefferson University Hospital</u> <u>Philadelphia, PA</u>	
	Attending Physician-in-Chief (Pathology)	1986-
<u>ACADEMIC</u> <u>APPOINTMENTS</u>	<u>Mount Sinai School of Medicine of the</u> <u>City University of New York</u>	
	Professor of Pathology	1966-1972
	Irene Heinz and John LaPorte Given Professor of Pathology and Chairman of the Department	1972-1976
	<u>Hahnemann University School of Medicine,</u> <u>Philadelphia, Pa.</u>	
	Professor and Chairman, Department of Pathology and Laboratory Medicine	1977-1986
	<u>University of Pennsylvania School</u> <u>of Medicine, Philadelphia, Pa.</u>	
	Adjunct Professor of Biochemistry and Biophysics	1977-1988
	<u>Jefferson Medical College, Philadelphia</u>	
	Gonzalo E. Aponte Professor of Pathology	1986-2003
	Chairman of the Department of Pathology and Cell Biology	1986-1994
	Chairman of the Department of Pathology, Anatomy and Cell Biology	1994-2003
	Gonzalo E. Aponte Professor of Pathology and Chairman Emeritus of the Department of Pathology, Anatomy and Cell Biology	2003-Present
<u>HONORS</u>	American Medical Writer's Association Award For Best Medical Textbook of the Year	1989
	Doctor Honoris Causa University of Barcelona	1994
	The F.K. Mostofi Distinguished Service Award	1996

Emanuel Rubin, M.D.

of U.S.-Canadian Academy of Pathology

NIH MERIT Award 1996-2006

Tom Kent Award of Group for Research in
Pathology Education (GRIPE) 2001Doctor Honoris Causa 2003
University of Naples, ItalyNAMED LECTURERMaude L. Menten Centennial Lecture -
University of Pittsburgh School of Medicine 1987Whipple Lecture -
University of Rochester Medical Center - 1987Chippy Friedman Memorial Lecture - Haifa University,
Technion Medical School, Haifa, Israel - 1988Maude Abbott Lecture -
U. S.-Canadian Academy of Pathology - 1990Reginald G. Mason Memorial Lecture -
University of Utah School of Medicine - 1992Marcus Wallenberg Symposium, Keynote Address:
Alcohol and the Cell, Lund, Sweden - 1992Jack M. Layton Lecture
University of Arizona School of Medicine - 1994Clifford Toren Memorial Lecture
University of South Alabama School of Medicine 1994Donald Svoboda Memorial Lecture
University of Kansas Medical School 1995CONSULTANTSHIPSNIAAA - Biomedical Review Committee 1970-1974
1981-1985NIAAA (NIH)- Biochemistry, Physiology and
Medicine Subcommittee of Alcohol
Biomedical Research Review Committee 1990-1994Ad Hoc Member
NIH - Pathology B
NHLBINational Task Force for Alcohol 1971
and Health, Department of Health, 1977
Education and Welfare 1985

Emanuel Rubin, M.D.

Representative of Association of Pathology Chairmen to Council of Academic Societies	1991-1994
Medical Advisory Council, Alcoholic Beverage Medical Research Foundation	1992-

EDITORIAL POSITIONS

<u>EDITOR-IN-CHIEF</u>	Laboratory Investigation	1982-1995
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<u>CHAIRMAN OF EDITORIAL BOARD AND REVIEWING EDITOR</u>	Alcoholism: Clinical and Experimental Research
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<u>FIELD EDITOR (PATHOLOGY)</u>	Quarterly Journal of Studies in Alcohol Federation Proceedings FASEB Journal
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<u>ASSISTANT EDITOR</u>	Addiction Biology
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<u>EDITORIAL BOARDS</u>	Laboratory Investigation Human Pathology Gastroenterology American Journal of Alcohol and Drug Abuse Substance and Alcohol Abuse Medicine and Chirurgie Digestives Alcohol and Alcoholism Alcohol Health and Research World Addiction Biology
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<u>MEMBERSHIPS</u>	American Association of Pathologists U.S.-Canadian Academy of Pathology College of American Pathologists American Society for Biochemistry and Molecular Biology American College of Toxicology American College of Physicians American Gastroenterological Association American Association for the Study of Liver Diseases International Association for the Study of the Liver Research Society on Alcoholism International Society for Biomedical Research on Alcoholism Association of Pathology Chairmen (Vice-President 1988-90)
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